

MAR 17 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

EDWARD LARRY,

Plaintiff - Appellant,

v.

STEVE UYEHARA; et al.,

Defendants - Appellees.

No. 07-16515

D.C. No. CV-07-00394-SOM  
District of Hawaii,  
Honolulu

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Hawaii  
Susan Oki Mollway, District Judge, Presiding

Submitted March 10, 2008<sup>\*\*</sup>

Before: T.G. NELSON, TASHIMA and BYBEE, Circuit Judges.

The motion to reinstate this appeal is granted.

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

A review of the record and the response to the order to show cause indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

Larry appeals the district court's judgment dismissing his action for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2). We review the district court's dismissal de novo. *See Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998). Larry's complaint alleged that defendants committed a white collar crime because defendants misstated a news reporter's birthday while on a television broadcast. Appellant requested that the district court issue an arrest warrant. We conclude that the district court properly dismissed this action because Larry lacks standing to initiate a criminal prosecution. *See Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973) (holding that a private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another).

Accordingly, we summarily affirm the district court's judgment.

**AFFIRMED.**